

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12351-12400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 21, 1924]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12351. Adulteration and misbranding of oysters. U. S. v. Charles Neubert (Charles Neubert & Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18362. I. S. Nos. 2305-v, 4991-v, 4992-v, 10544-v, 19332-v, 19333-v.)

On April 30, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Neubert, trading as Charles Neubert & Co., Baltimore, Md., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 21 and 22, 1923, respectively, into the State of Indiana, and on or about November 21, 1923, into the States of Pennsylvania and Maine, respectively, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Neuberts Baltimore 1 Gal. Standards Oysters."

Examination of the article by the Bureau of Chemistry of this department showed that an excessive amount of free liquor was present and that the oysters had been soaked with added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality, for the further reason that a substance, to wit, added water, had been substituted in part for oysters, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Oysters," borne on the cans containing the article, regarding the said article, was false and misleading in that it represented that the article consisted wholly of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of oysters, whereas, in truth and in fact, it did not consist wholly of oysters but did consist in part of added water.

On May 26, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12352. Adulteration of raisins. U. S. v. The Williamson-Halsell-Frasier Co., a Corporation. Plea of guilty. Fine, \$75. (F. & D. No. 17913. I. S. No. 6028-v.)

On December 13, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Williamson-Halsell-Frasier Co., a corporation, Chickasha, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about October 25, 1922, from the State of Oklahoma into the State of Texas, of a quantity of raisins which were adulterated. The article was labeled in part: "Louis Brand * * * Seeded Raisins Packed For The Williamson-Halsell-Frasier Co. * * * Chickasha, Okla."

Examination of the article by the Bureau of Chemistry of this department showed that it contained insect webs and excreta.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed vegetable substance.

On May 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12353. Adulteration and misbranding of apple jelly. U. S. v. 23 Cases and 5 Cases of Apple Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18382. I. S. Nos. 15362-v, 15363-v. S. No. E-4733.)

On February 15, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 cases, each containing 3 dozen jars, and 5 cases, each containing six 5-pound crocks of apple jelly, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by F. P. Adams Co. (Inc.), from Boston, Mass., in two consignments, namely, on or about November 16 and 22, 1923, respectively, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Apple Jelly."

Adulteration of the article was alleged in the libel for the reason that substances, glucose, pectin, and citric acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels, "Pure Apple Jelly," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12354. Adulteration and misbranding of strawberry jam and raspberry jam. U. S. v. 40 Jars of Strawberry and 20 Jars of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18393. I. S. Nos. 15365-v, 15366-v. S. No. E-4737.)

On February 19, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 jars of strawberry jam and 20 jars of raspberry jam remaining in the original unbroken packages at Woonsocket, R. I., alleging that the article had been shipped by the F. P. Adams Co. (Inc.), from Boston, Mass., on or about November 10, 1923, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "One Pound Net Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit and Refined Sugar Manufactured By F. P. Adams Co. Inc. Boston, U. S. A."

Adulteration of the article was alleged in the libel for the reason that substances, pectin and glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the jars containing the article, "Pure Strawberry" or "Raspberry," as the case might be, and "Jam Prepared from Selected Fruit and Refined Sugar," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*